IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

	No. 5:15-C1-310/-BU
WILLIAM J. POWELL,)
Plaintiff,)
	ORDER
v.)
SHANTICIA HAWKINS, et al.,))
Defendan	ts,)
)

On January 7, 2016, Magistrate Judge Numbers issued an Order and Memorandum and Recommendation ("M & R") [D.E. 14]. In that Order and M & R, Judge Numbers recommended that the court deny plaintiff's motion for a preliminary injunction [D.E. 11] and that the court dismiss without prejudice plaintiff's § 1983 complaint [D.E. 1] due to plaintiff's failure to exhaust his administrative remedies. Plaintiff did not file objections to the M & R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>. 416 F.3d at 315 (quotation omitted).

The court has reviewed the M & R, the record, and the plaintiff's complaint. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M & R [D.E. 14].

Plaintiff's motion for a preliminary injunction [D.E. 11] is DENIED and plaintiff's complaint [D.E. 1] is DISMISSED without prejudice. The clerk shall close the case.

SO ORDERED. This Lay of February 2016.

TERRENCE W. BOYLE
United States Division

United States District Judge